

Data Use Agreements: An Overview of the Current Process

**2008 Data Protection Seminar
TMA Privacy Office**





Data Use Agreements

Purpose

- Provide an overview of the current processes and details related to Data Use Agreements (DUAs)



Data Use Agreements

Objectives

- This presentation will:
 - Identify the different types of DUAs currently available
 - Identify who must submit a DUA request
 - Explain how a DUA is processed

Data Use Agreements

Types of Requests

- Two types of DUAs frequently requested:
 - Protected Health Information (PHI) and Beneficiary Encrypted Files
 - De-Identified Files





Data Use Agreements

Agreement Formats

- Memorandum of Agreement (MOA) - Between DoD and external government agencies
- Memorandum of Understanding (MOU) - Within DoD
- Formal agreements - Between DoD and a non-government entity

Who is Required to Submit a Request?

- Any person or entity seeking to obtain Personally Identifiable Information/Protected Health Information (PII/PHI) or de-identified data from MHS
- Any person or entity seeking MHS data from the Army, Navy, or Air Force must obtain service approval; requests should be submitted as follows:
 - Army DUA Submissions:
ARMY.DUA@pasba2.amedd.army.mil
 - Navy DUA Submissions:
dua.bumed@med.navy.mil
 - Air Force DUA Submissions:
AF_SGDataUseAgreement@pentagon.af.mil



Data Use Agreements

Overview of Current Process

- The term "DUA" refers to different types of agreements for the sharing of DoD information
- The purpose of DUAs under the current structure is to:
 - Serve as an agreement between a recipient of DoD information and DoD
 - Document compliance with DoD regulations
 - Identify the permitted uses and disclosures



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Overview of Current Process

(continued)

- Multiple recipients of DoD data working on the same project can be covered on one DUA
- DUAs may be provided for the purpose of maintenance and operation of a Military Health System (MHS)
- Among other responsibilities, sponsors are required to verify and sign a DUA to confirm the following:
 - A recipient's existing contract with DoD and the period of performance on that contract
 - Expiration dates for the Authority to Operate (ATO) or Interim Authority to Operate (IATO)



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Current Process

- If the purpose of the data request pertains to any type of research activity involving surveys or human subjects, then the requestor must submit a protocol to TMA's Human Subject Research Protection Program Office which outlines in detail how the data will be used
- Requestors must:
 - Submit a Summary of Findings at the time of renewal
 - Demonstrate how the request for data has benefited the DoD and its beneficiaries
- The Government sponsor develops procedures to handle and protect the data to be shared with a recipient

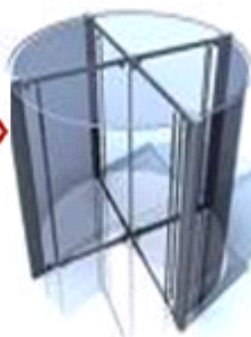
Data Use Agreements

Current Process

Application to
Access Data or
Perform Research



GATEKEEPER



HPA&E

**TMA Information
Management Control
Officer**

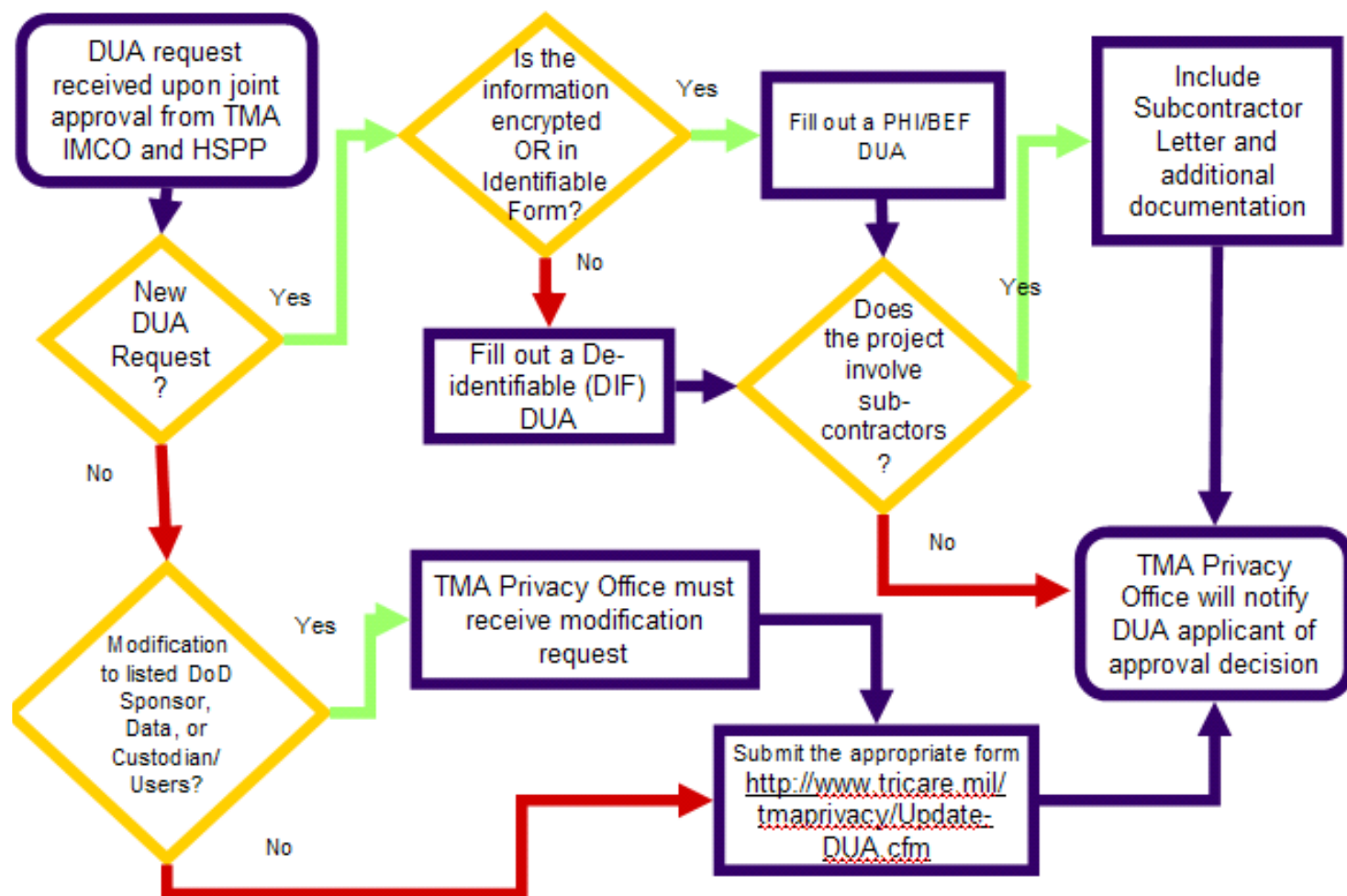
**TMA Human Subjects
Protection Program**

TMA Privacy Office



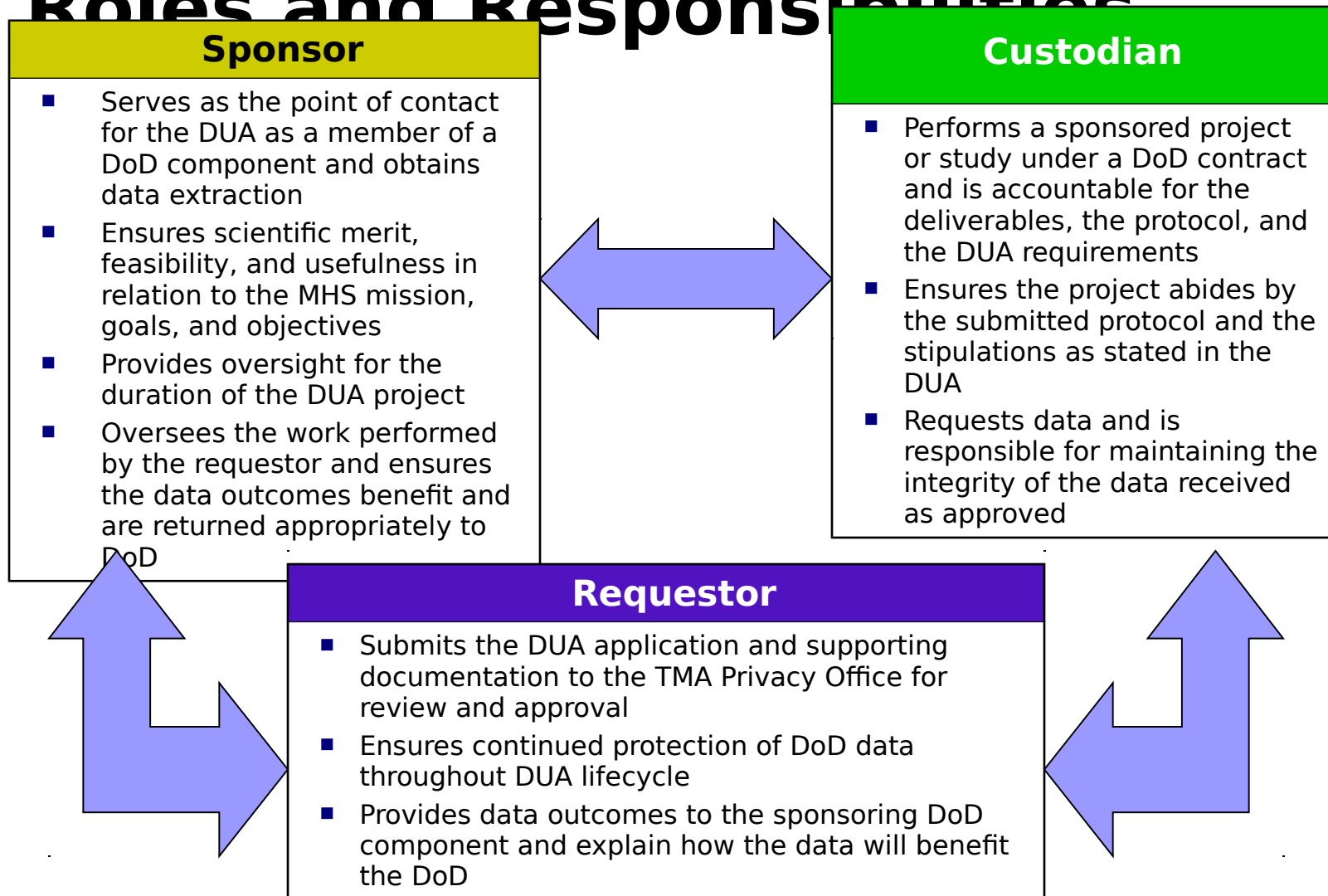
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Current Process



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Roles and Responsibilities



Roles of the TMA Privacy Office

- The TMA Privacy Office ensures that DUAs are in compliance with applicable DoD regulations
 - DUAs are used to **authorize** access to MHS
- A separate process (not managed by the TMA Privacy Office) is required in order to **obtain** access to and retrieval of data



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Summary

- You now can:
 - Identify the different types of DUA currently available
 - Identify who must submit a DUA request
 - Understand how a DUA is processed